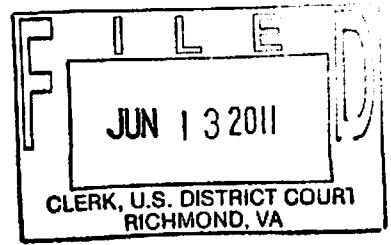


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division



HENRY MANDEL, on behalf of
himself and all others similarly situated,

Plaintiffs,

v.

JAMES B. CRAWFORD, ROBERT H.
FOGLESONG, RICHARD M. GABRYS,
ROBERT B. HOLLAND, BOBBY R.
INMAN, DAN R. MOORE, BAXTER F.
PHILLIPS, JR., STANLEY C.
SUBOLESKI, LINDA J. WELTY,
MASSEY ENERGY COMPANY, and
ALPHA NATURAL RESOURCES, INC.,

Defendants.

Civil Action No. 3:11cv120

**AGREED ORDER DISMISSING
ACTION WITHOUT PREJUDICE**

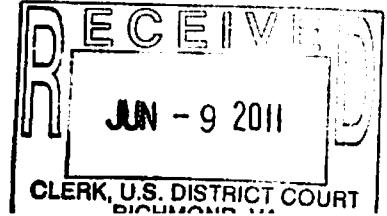
Pursuant to Rule 41(a), Plaintiffs Henry Mandel and all others similarly situated, by counsel, and Defendants James B. Crawford, Robert H. Foglesong, Richard M. Gabrys, Robert B. Holland, Bobby R. Inman, Dan R. Moore, Baxter F. Phillips, Jr., Stanley C. Suboleski, Linda J. Welty, Massey Energy Company, and Alpha Natural Resources, Inc., move for a voluntary dismissal of this action. Pursuant to Rule 41, and for good cause shown, it is hereby

ORDERED, ADJUDGED, and DECREED, that any and all claims asserted by Plaintiffs against Defendants are dismissed WITHOUT PREJUDICE.

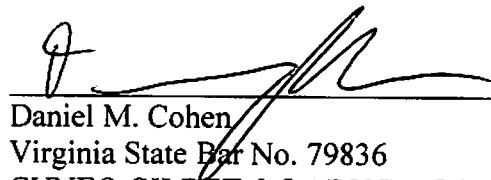
Date: 6, 10, 11

John A. Gibney, Jr.
United States District Judge

The Honorable John A. Gibney, Jr.
United States District Judge

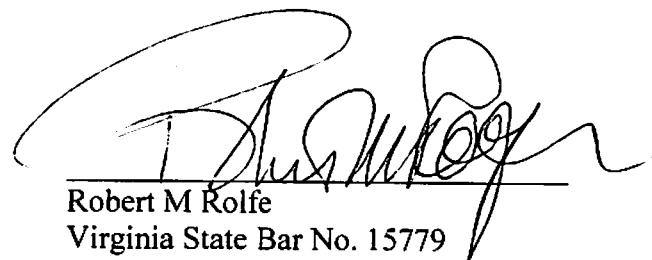


WE ASK FOR THIS:


Daniel M. Cohen
Virginia State Bar No. 79836
CUNEO GILBET & LADUCA, LLP
Counsel for Plaintiff
106-A South Columbus Street
Alexandria, VA 22314
Tel: (202) 789-3960
Fax: (202) 789-1813
Email: danielc@cuneolaw.com

Robert Cynkar
Virginia Bar No. 23349
CUNEO GILBET & LADUCA, LLP
Counsel for Plaintiff
Email: rcynkar@cuneolaw.com

Joe Kendall
Jamie McKey
KENDALL LAW GROUP, LLP
Counsel for Plaintiff
3232 McKinney Avenue, Suite 700
Dallas, TX 75204
Tel: (877) 744-3728
Fax: (214) 744-3015
Email: jmckey@kendalllawgroup.com


Robert M. Rolfe
Virginia State Bar No. 15779

Erin L. Barrett
Virginia State Bar No. 74928
HUNTON & WILLIAMS, LLP
Counsel for Defendant Alpha Natural Resources, Inc.
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, VA 23219
Tel: (804) 788-8466
Email: rrolfe@hunton.com

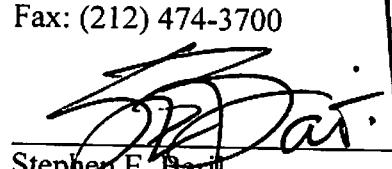
Mitchell A. Lowenthal
Boaz S. Morag
CLEARY GOTTLIEB STEEN & HAMILTON, LLP
Counsel for Defendant Alpha Natural Resources, Inc.
One Liberty Plaza
New York, NY 10006
Tel: (212) 225-2000

Michael R. Lazerwitz
CLEARY GOTTLIEB STEEN & HAMILTON, LLP
Counsel for Defendant Alpha Natural Resources, Inc.
2000 Pennsylvania Avenue, NW
Washington, DC 20006
Tel: (202) 974-1500



Timothy J. St. George
Virginia State Bar No. 77349
Alan D. Wingfield
Virginia State Bar No. 27489
TROUTMAN SANDERS, LLP
Counsel for Defendants Massey Energy Company, James B. Crawford, Robert H. Foglesong, Richard M. Gabrys, Robert B. Holland, Bobby R. Inman, Dan R. Moore, Stanley C. Suboleski, and Linda J. Welty
1001 Haxall Point
PO Box 1122
Richmond, VA 23219
Tel: (804) 697-1254
Fax: (804) 698-6013
Email:
alan.wingfield@troutmansanders.com

Stuart W. Gold
Julie A. North
CRAVATH SWAINE & MOORE, LLP
Counsel for Defendants Massey Energy Company, James B. Crawford, Robert H. Foglesong, Richard M. Gabrys, Robert B. Holland, Bobby R. Inman, Dan R. Moore, Stanley C. Suboleski, and Linda J. Welty
825 Eighth Avenue
Worldwide Plaza
New York, NY 10019-7475
Tel: (212) 474-1000
Fax: (212) 474-3700



Stephen E. Baril
Virginia State Bar No. 19604
SANDS ANDERSON, PC
Counsel for Defendant Baxter F. Phillips, Jr.
1111 E. Main Street, Suite 2300
Richmond, VA 23219-2906
Tel: (804) 783-7234
Fax: (804) 783-7291
Email: sbaril@sandsanderson.com